

Message Text

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DRAFTED BY L/M/SCA:CLBLAKESLEY

APPROVED BY L/M/SCA:KEMALMBORG

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O 241805Z JUL 74

FM SECSTATE WASHDC

TO AMEMBASSY THE HAGUE IMMEDIATE

LIMITED OFFICIAL USE STATE 160452

E.O. 11652: N/A

TAGS: CPRS, PFOR, NL

SUBJECT: EXTRADITION - JOEL ALLEN CARROLL

REF: THE HAGUE 3642

1. N.J. "WARRANT ON INDICTMENT" WAS AUTHENTICATED BY NEW JERSEY SECRETARY OF STATE AND GOVERNOR TO BE "AUTHENTIC AND AUTHENTICATED IN ACCORDANCE WITH THE LAWS OF NEW JERSEY"; IT IS ONE OF THE "PROPER PAPERS AS REQUIRED BY THE STATUTES OF NEW JERSEY AND THE UNITED STATES" (SEE GOVERNOR'S EXECUTIVE AUTHENTICATION).

2. UNDER THE U.S. FEDERAL SYSTEM, EACH STATE ESTABLISHES ITS OWN COURT PROCEDURES. THESE PROCEDURES MUST BE IN ACCORD WITH STATE AND FEDERAL DUE PROCESS GUARANTEES. THE FORM "WARRANT ON INDICTMENT" ISSUED BY THE NEW JERSEY COURT IS THE DULY ESTABLISHED METHOD OF PROMULGATING SUCH WARRANTS IN THE STATE OF NEW JERSEY. NEW JERSEY STATUTES ANNOTATED, SECTION 2A:8-27, ENTITLED "COMPLAINTS, WARRANTS, SUMMONSES, OATHS, AFFIDAVITS; HOLDING FOR BAIL; OFFICIALS AUTHORIZED" STATES: "ANY JUDGE OF A COUNTY COURT, COUNTY DISTRICT COURT, OR CRIMINAL JUDICIAL DISTRICT COURT, OR ANY CLERK OR DEPUTY CLERK THEREOF MAY...ISSUE WARRANTS AND SUMMONSES...." IN IMPLEMENTATION OF THIS STATUTE, RULE 4.3:7-8, ENTITLED "ISSUANCE OF WARRANT OR SUMMONS UPON

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INDICTMENT OR ACCUSATION," STATES: "UPON THE RETURN OF AN

INDICTMENT OR THE FILING OF AN ACCUSATION (CRIMINAL

COMPLAINT) A WARRANT SHALL BE ISSUED BY THE COUNTY CLERK
IN THE MANNER PROVIDED BY LAW FOR EACH DEFENDANT NAMED
IN THE INDICTMENT...." THE WARRANT IS BASED UPON THE
INDICTMENT, WHICH IS DULY ISSUED BY THE GRAND JURY IN NEW
JERSEY.

3. IF GON PROSECUTOR NEEDS ADDITIONAL INFORMATION RE SAID
WARRANT ON INDICTMENT, PLEASE ADVISE. 241633Z JUL

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